

CONSTRUCTION  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
YAVAPAI COUNTY

JPA #92-91

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and YAVAPAI COUNTY, hereinafter called "COUNTY",

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, The COUNTY is empowered by A.R.S. Section 11-251 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said COUNTY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in YAVAPAI COUNTY. This work shall consist of the installation of new traffic signals and/or highway lighting at the following location:

SR 179 at Jack's Canyon/Verde Valley School Road

MP 306 - Yavapai County

179 YV 306 HX014 01C S-238-510

NO. <u>17273</u>	
FILED WITH SECRETARY OF STATE	
Date Filed <u>12/15/92</u>	<u>Richard Blumenthal</u>
Secretary of State	
By <u>Wing V. Givens</u>	

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals and/or highway lighting on SR 179 at Jack's Canyon/Verde Valley School Road, MP 306, in Yavapai County.

2. The STATE will be responsible for any contractor claims for extra compensation attributable to STATE.

3. The COUNTY, upon completion of the work shall reimburse the STATE for 50% of the final construction and engineering costs on SR 179 at Jack's Canyon/Verde Valley School Road, MP 306, not to exceed \$40,000 for its share of the cost of the work.

4. The COUNTY will be responsible for any contractor claims for extra compensation attributable to the COUNTY.

5. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals and/or highway lighting are complete, in place, and functional.

6. This Agreement may be cancelled in accordance with A.R.S. §38-511.

7. The provisions of A.R.S. §35-214 are applicable to this Agreement.

8. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

9. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

10. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the COUNTY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA

ARIZONA DEPARTMENT OF TRANSPORTATION

BY: Lowell Ormick  
State Traffic Engineer

DATE: 10-20-92

YAVAPAI COUNTY

BY: Carlton L. Camp

TITLE: Chairman, Board of Supervisors

DATE: 9-28-92

ATTEST:

Ann-Rose Case  
Clerk of the Board of Supervisors

CONSTRUCTION - TRAFFIC SIGNALS

PROJECT NO.: 179 YV 306 HX014 01C S-238-510

SR 179 at Jack's Canyon/Verde Valley School Road  
YAVAPAI COUNTY

RESOLUTION

BE IT RESOLVED on this 1st day of Sept 1992, that I, CHARLES E. COWAN, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with YAVAPAI COUNTY for the installation of traffic signals and/or highway lighting approved on the basis of a traffic signal needs study. YAVAPAI COUNTY shall reimburse the STATE for 50% of the final construction and engineering costs not to exceed \$40,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.


  
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For CHARLES E. COWAN, DIRECTOR  
ARIZONA DEPARTMENT OF TRANSPORTATION

EXHIBIT A

CERTIFIED COPY OF ENTRY IN OFFICIAL MINUTES  
OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS

YAVAPAI COUNTY                    )  
                                      ) ss.  
ARIZONA                            )

Ann-Lawrie Aisa, having been first duly sworn, deposes and says:

I am the duly appointed, qualified and acting Clerk of the Yavapai County Board of Supervisors and in such capacity under the provisions of A.R.S. §11-241 am charged with the responsibilities, among others, of recording all proceedings of the Board and maintaining custody of such records of the Board as are required by law to be maintained. Among the records of which I have custody is the official minute book of the Board of Supervisors which under the provisions of A.R.S. §11-217 is required to be made and kept.

Set forth below is a copy of an entry in the aforesaid minute book of which, as aforesaid, I am the officer having the legal custody. This is my certificate under the provisions of Rule 44(A), Rules of Civil Procedure, and the Uniform Business Records Act, that the said copy is a true and correct copy thereof, to which I attest by my signature subscribed hereunto:

Date of meeting of which the minutes are a record: SEPTEMBER 28, 1992

The entry in the said minutes:

Public Works Administrative Assistant Judy Allen presented to the Board for approval an intergovernmental agreement with the Arizona Department of Transportation for installation of a traffic signal on State Route 179 at the Jacks Canyon/Verde Valley School Roads intersection. Ms. Allen said that the County would pay approximately \$15,000. Chairman Camp said it was his understanding that the Factory Outlet stores would pay \$20,000 and that ADOT would pay the balance. Ms. Allen said that was correct. Supervisor Brownlow asked staff to check the stipulations on future subdivisions in the area to be sure they contribute. Assistant County Engineer Karl Rockwell said he would do that. Chairman Camp said that Mr. Weber had agreed to pay a portion of this project and also a portion of the improvement to Verde Valley School Road. Former Planning & Zoning Commissioner and resident of the Village of Oak Creek Norm Cavanagh told the Board that it was his recollection that the Canyon Mesa Country Club Subdivision was supposed to contribute as well and that he believed there were other subdivisions along Verde Valley School Road and Jacks Canyon Road which were required to do the same. Chairman Camp said that this matter would be researched. Supervisor Feldmeier moved to approve the intergovernmental agreement. Supervisor Brownlow seconded the motion, which carried by unanimous vote with no further comments from the public.

Ann-Lawrie Aisa  
Ann-Lawrie Aisa, Clerk

SUBSCRIBED AND SWORN to before me OCTOBER 15, 1992.

My Commission Expires:

My commission expires Sept. 21, 1996.

Dwight J. Hadler  
Notary Public

EXHIBIT "B"

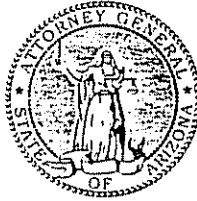
APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and YAVAPAI COUNTY and declare the Addendum to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 5<sup>th</sup> day of October, 1992.

YAVAPAI COUNTY

BY: Mr. Randolph Schuch  
County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT

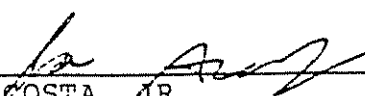
DETERMINATION

A. G. Contract No. KR92-2643-TRM, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 2 day of November, 1992.

GRANT WOODS  
Attorney General

  
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JOE ACOSTA, JR.  
Assistant Attorney General  
Transportation Section